



JENNIFER M. GRANHOLM
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENVIRONMENTAL QUALITY
CADILLAC DISTRICT OFFICE

US EPA RECORDS CENTER REGION 5



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Williamsburg Rec. + Sto

G.T. Co.



STEVEN E. CHESTER
DIRECTOR

November 22, 2005

CERTIFIED MAIL

FILE COPY

Mr. Chris Hubbell
Cherry Blossom, LLC
10190 Munro Road
Williamsburg, Michigan 49690

Dear Mr. Hubbell:

The Department of Environmental Quality (DEQ), Cadillac District office, has received the Odor Control Work Plan (Odor Plan) submitted by Mr. Andrew Smits of Inland Seas Engineering. The plan was submitted as a description of how Williamsburg Receiving and Storage (WRS) will control odors emanating from several sources at the site. I am writing to let you know of DEQ concerns regarding the proposal.

I would like to preface the DEQ's comments on the Odor Plan by first discussing the current condition of the wastewater storage lagoon. On November 9, 2005, the DEQ was notified of a breach in the lagoon dike and spill of wastewater which flooded into stormwater basins, road ditches, and low areas on and off of WRS property. This discharge is in violation of Sections 3109(1) and 3112(1) of Part 31, Water Resource Protection, of the Natural Resources and Environmental Protection Act, 1994 PA 451, as amended (NREPA), and the Administrative Consent Order, WMD Order No. 31-07-02 (ACO). Actions taken by WRS to recover the wastewater from the ground have included pumping wastewater back into the lagoon. The DEQ is concerned that the lagoon is unstable and that further dike breaches may occur. Placement of wastewater back into the lagoon is not advisable. Furthermore, the ACO states that wastewater accumulated in the storage lagoon shall be pumped from the lagoon and lawfully transported and disposed of in accordance with Part 121, Liquid Industrial Wastes, of the NREPA, and that WRS shall continue to pump wastewater from the lagoon until the reduced volume, in combination with aeration eliminates nuisance odor conditions. Any additions of wastewater into the lagoon since entry of the ACO, including any additions subsequent to the November 9, 2005, breach are inconsistent with the terms of the ACO. WRS must comply with the ACO.

The DEQ's specific comments on the Odor Plan are as follows:

1. The Odor Plan indicates that a biofilter unit would be installed to treat vapors emitted from the hydroseive and tanks used to hold wastewater. While a biofilter may successfully treat odors under certain conditions, the temperature and moisture of the unit must be carefully controlled. Winter operation of a biofilter without supplemental heat may be a problem. Other technology such as granular activated carbon filters may

be more appropriate for the circumstances observed at WRS and should be evaluated and/or adopted as odor control for the hydroseive and tanks.

2. The pond treatment proposal calls for use of a geothermal heating unit that would entail distribution of lagoon water into subsurface piping across an area of the property. The DEQ rejects the geothermal heating concept for wastewater. The DEQ believes there are other more conventional methods to heat the lagoon water, should it be necessary. In addition it would be difficult to monitor a subsurface piping system for leaks and spills.

3. The Odor Plan proposes that the pond will be uncovered during the month of December and aerated. The plan suggests that odors during winter months would be acceptable when homes are closed for winter and people are no longer active outdoors. The ACO prohibits WRS from emitting nuisance odors at the Facility. The DEQ continues to receive complaints and has documented foul odors even while homes are closed for the heating season. WRS must comply with the ACO. Considering the current conditions at the WRS facility, removal of the covers and aeration of the lagoon would likely be inconsistent with the terms of the ACO.

4. The Odor Plan proposes treatment of the lagoon wastewater via aeration with disposal being initiated approximately in March, 2006. The Odor Plan further states that it may be possible to close the lagoon in 2006. The DEQ believes there are more effective and expeditious ways to close the lagoon such as pumping and hauling wastewater concurrently with developing a plan to batch treat the wastewater in tanks to meet standards prior to an approved discharge. A more expeditious method of closing the lagoon is especially important given the apparent instability of the lagoon berm.

Please also note that WRS continues to store additional wastewater in cherry brine pits at the site. Section 12113 (5) of the NREPA states, "A person shall not treat, store, or dispose of liquid industrial waste in a surface impoundment, unless the surface impoundment has a discharge or storage permit authorized under part 31..." WRS shall comply with Section 12113 of the NREPA. Any wastewater stored in brine pits must be removed and lawfully disposed.

In light of the above concerns, any wastewater accumulated in storm water ponds or low lying areas, including in the wetland areas south of Angel Road, as a result of the November 9, 2005, lagoon breach must be collected and disposed of in a lawful manner. The areas affected by the November 9, 2005, lagoon breach must be included in the Remedial Investigation requested in the DEQ's letter of November 16, 2005. WRS must also immediately implement odor control measures related to the hydroseive and tanks, and the DEQ urges WRS to consider our comments related to these source areas.

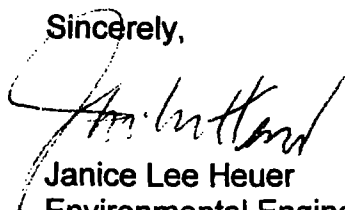
Mr. Chris Hubbell
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In addition, the Odor Plan, as it relates to the lagoon, must be revised to incorporate the DEQ's comments and resubmitted by December 2, 2005. The DEQ remains available to discuss specific issues related to the lagoon and suggests that you contact us immediately to arrange a meeting to discuss the lagoon issues.

This letter does not relieve WRS of any liability for past or continuing violations of the NREPA. The DEQ reserves its right to take all necessary and appropriate enforcement actions for all violations observed to date and any violations that occur in the future. This may include civil and criminal litigation and petitions for penalties in the maximum amount provided by law, including recovery of all legally incurred costs, and attorney's fees.

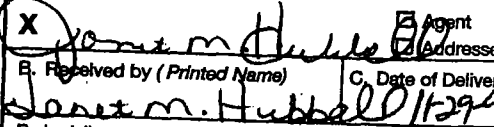
If you have any questions, feel free to contact me.

Sincerely,



Janice Lee Heuer
Environmental Engineer
Water Bureau
231-775-3960, Extension 6203

cc: Mr. Joseph Quandt, Zimmerman, Kuhn, Darling, Boyd, Taylor and Quandt
Mr. Andrew Smits, Inland Seas Engineering
Mr. Alan Hoffman, Department of Attorney General
Mr. James Janiczek, DEQ
Mr. Rick Rusz, DEQ

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